

Application S/N 10/737,063
Amendment Dated: June 21, 2006
Response to Office Action dated: February 23, 2006

CE11564JUI

REMARKS/ARGUMENTS

Claims 1-10 and 17-22 remain pending in the application, as claims 11-16 have been canceled without prejudice. In the Office Action, claims 1, 8 and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Application Publication No. JP 09-191491 to Tanaka, et al. (Tanaka). Additionally, claims 2-4 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka in view of U.S. Patent Application Publication No. 2003/0109288 to Carley, et al. (Carley). Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka in view of Carley and further in view of U.S. Patent Application Publication No. 2003/0147113 to Hamada, et al. (Hamada). Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka in view of Carley and further in view of U.S. Patent Application Publication No. 2003/0153364 to Osann (Osann). Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka in view of Carley and further in view of U.S. Patent Application Publication No. 2002/0142754 to Takatori (Takatori).

Claims 11-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka in view of U.S. Patent Application Publication No. 2004/0058715 to Taniguchi, et al. (Tanaguchi). Claims 14-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka in view of Taniguchi and further in view of U.S. Patent No. 6,002,763 to Lester, et al. (Lester). Claims 17-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Carley in view of Tanaka, and claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Carley in view of Tanaka and further in view of Takatori. Finally, claims 21-22 were rejected under 35 U.S.C. 103(a) as being

Application S/N 10/737,063
Amendment Dated: June 21, 2006
Response to Office Action dated: February 23, 2006

CE11564JU1

unpatentable over Carley in view of Tanaka and further in view of U.S. Patent No. 6,829,494 to Tanabe.

Independent claims 1 and 17 have been amended to clarify that the surveillance mode is selected based on a user's desire to minimize the user's chances of being detected. None of the cited prior art references disclose such a feature. In particular, Tanaka is merely concerned with distinguishing between a cellular communications mode and a PHS communications mode and mentions nothing about a surveillance mode being selected to minimize a user's chances of being detected.

As such, Applicant submits that independent claims 1 and 17 are patentable over the prior art. Applicant also believes that those claims that depend from independent claims 1 and 17 are patentable, both based on their dependencies on the independent claims and their patentability on their own. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Application S/N 10/737,063
Amendment Dated: June 21, 2006
Response to Office Action dated: February 23, 2006

CE11564JUI

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,



SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department – MD 1610
8000 W. Sunrise Blvd.
Plantation, FL 33322

Customer Number: 24273

By: _____
Larry G. Brown
Attorney of Record
Reg. No.: 45,834

Telephone: (954) 723-4295
Fax No.: (954) 723-3871